

APPENDIX B – STATES APPLYING AGC OR SIMILAR FACTORS

State	Basis for Lack of Antitrust Standing	Supporting Authorities
Alabama	State Would Likely Adopt AGC or Similar Factors	<i>In re Dealer Mgmt. Sys. Antitrust Litig.</i> , 362 F. Supp. 3d 510, 545 (N.D. Ill. 2019) (finding “the presence of a statutory harmonization provision (either statutory or common law), absent any countervailing statutory law or case law from a state appellate court, is sufficient to permit a district court to apply federal antitrust-standing law—including AGC—to claims brought under that state’s antitrust laws” and concluding Alabama would apply AGC factors).
Arizona	State Would Likely Adopt AGC or Similar Factors	<i>In re Dealer Mgmt. Sys. Antitrust Litig.</i> , 362 F. Supp. 3d 510, 545 (N.D. Ill. 2019) (concluding Arizona would apply AGC factors); <i>In re Interior Molded Doors Antitrust Litig.</i> , Nos. 3:18-cv-00718, 3:18-cv-00850, 2019 WL 4478734, at *16 (E.D. Va. Sept. 18, 2019) (same); <i>In re Refrigerant Compressors Antitrust Litig.</i> , No. 2:09-md-02042, 2013 WL 1431756, at *10 (E.D. Mich. Apr. 9, 2013) (same).
California	State Would Likely Adopt AGC or Similar Factors	<i>In re Am. Express Anti-Steering Rules Antitrust Litig.</i> , 433 F. Supp. 3d 395, 413-14 (E.D.N.Y. 2020) (concluding California would apply AGC factors), <i>aff’d</i> , 19 F.4th 127 (2d Cir. 2021); <i>In re Interior Molded Doors Antitrust Litig.</i> , Nos. 3:18-cv-00718, 3:18-cv-00850, 2019 WL 4478734, at *16 (E.D. Va. Sept. 18, 2019) (same); <i>Contant v. Bank of Am. Corp.</i> , No. 17-cv-3139, 2018 WL 1353290, at *3 (S.D.N.Y. Mar. 15, 2018) (same); <i>In re Dairy Farmers of Am., Inc. Cheese Antitrust Litig.</i> , No. 9-cv-3690, 2015 WL 3988488, at *8 (N.D. Ill. June 29, 2015) (same); <i>In re Refrigerant Compressors Antitrust Litig.</i> , No. 2:09-md-02042, 2013 WL 1431756, at *10 (E.D. Mich. Apr. 9, 2013) (same); <i>Sahagian v. Genera Corp.</i> , No. CV 08-7613, 2009 WL 9504039, at *6 (C.D. Cal. July 6, 2009) (same).
Colorado	State Law Interpreted In Harmony with Federal Law	<i>USI Ins. Servs., LLC v. Morris</i> , No. 22-cv-3180, 2024 WL 1436316, at *6 (D. Colo. Feb. 21, 2024) (quoting <i>Arapahoe Surgery Ctr., LLC v. Cigna Healthcare, Inc.</i> , 80 F. Supp. 3d 1257, 1262-63 (D. Colo. 2015)) (“[The Colorado Antitrust] Act is the state law analogue to the Sherman Act,” and “[because] federal antitrust law principles apply to both federal and state antitrust claims,” both claims may be analyzed together.).

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Connecticut	State Has Adopted AGC	<i>Brown v. Hartford Healthcare Corp.</i> , No. 03-cv-22-6152239-S, 2023 WL 7150051, at *7 (Conn. Super. Ct. Oct. 26, 2023) (“In adopting § 35-46a, the legislature opened the door to indirect purchasers, but not to ‘all [indirect] injuries that might be conceivably traced to an antitrust violation,’” thus applying a “modified version of the AGC factors.” (alteration in original) (citation omitted)).
District of Columbia	State Has Adopted AGC	<i>In re Dealer Mgmt. Sys. Antitrust Litig.</i> , 362 F. Supp. 3d 510, 541-42 (N.D. Ill. 2019) (citing <i>Peterson v. Visa U.S.A., Inc.</i> , No. Civ. A. 03-8080, 2005 WL 1403761, at *5 (D.C. Super. Ct. Apr. 22, 2005)) (“Absent any binding District of Columbia authority to the contrary, the <i>Peterson</i> decision and the deferential harmonization provision remain the best indicators of how the District of Columbia Court of Appeals . . . would address the issue, and both lean in favor of applying AGC to Plaintiffs’ antitrust claim under District of Columbia law.”); <i>Peterson v. Visa U.S.A., Inc.</i> , No. Civ. A. 03-8080, 2005 WL 1403761, at *5 (D.C. Super. Ct. Apr. 22, 2005) (applying AGC to District of Columbia Antitrust Act claim).
Hawaii	State Would Likely Adopt AGC or Similar Factors	<i>In re Dealer Mgmt. Sys. Antitrust Litig.</i> , 362 F. Supp. 3d 510, 545 (N.D. Ill. 2019) (concluding Hawaii would apply AGC factors).
Illinois	State Has Adopted AGC	<i>County of Cook v. Philip Morris, Inc.</i> , 353 Ill. App. 3d 55, 66 (1st Dist. 2004) (applying directness prong from AGC); <i>O’Regan v. Arb. Fs., Inc.</i> , 121 F.3d 1060, 1066 (7th Cir. 1997) (“Federal antitrust standing rules apply under the Illinois Antitrust Act.”); <i>United States ex rel. Blaum v. Triad Isotopes, Inc.</i> , 104 F. Supp. 3d 901, 930 (N.D. Ill. 2015) (applying AGC citing <i>Philip Morris</i> and <i>O’Regan</i>).
Iowa	State Has Adopted AGC	<i>Southard v. Visa U.S.A. Inc.</i> , 734 N.W.2d 192, 198 (Iowa 2007) (holding that “the AGC test is more reflective of the legal context within which the Iowa legislature enacted Iowa’s competition law” and applying AGC factors); <i>In re Dealer Mgmt. Sys. Antitrust Litig.</i> , 362 F. Supp. 3d 510, 542 (N.D. Ill. 2019) (concluding Iowa would apply AGC factors).

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Kansas	State Would Likely Adopt AGC or Similar Factors	<i>Wrobel v. Avery Dennison Corp.</i> , No. 05-cv-1296, 2006 WL 7130617, at *4 (Kan. Dist. Ct. Feb. 1, 2006) (suggesting AGC factors apply to Kansas antitrust law); <i>In re Dairy Farmers of Am., Inc. Cheese Antitrust Litig.</i> , No. 9-cv-3690, 2015 WL 3988488, at *9 (N.D. Ill. June 29, 2015) (“[T]he Court is persuaded that the Kansas Supreme Court would apply AGC in interpreting antitrust standing under [the Kansas Restraint of Trade Act].”).
Maine	State Would Likely Adopt AGC or Similar Factors	<i>Knowles v. Visa U.S.A., Inc.</i> , No. Civ.A. CV-03-707, 2004 WL 2475284, at *5 (Me. Super. Ct. Oct. 20, 2004) (“It is probable that the Maine Law Court, if presented with this issue, would look to the <i>Associated General Contractors</i> factors in determining standing under Maine’s antitrust laws and would apply those factors except to the extent that those factors cannot be reconciled with the legislature’s adoption of the <i>Illinois Brick</i> repealer.”); <i>In re Dealer Mgmt. Sys. Antitrust Litig.</i> , 362 F. Supp. 3d 510, 543 (N.D. Ill. 2019) (concluding Maine would apply AGC factors); <i>In re Refrigerant Compressors Antitrust Litig.</i> , No. 2:09-md-02042, 2013 WL 1431756, at *10 (E.D. Mich. Apr. 9, 2013) (same); <i>Sahagian v. Genera Corp.</i> , No. CV 08-7613, 2009 WL 9504039, at *6 (C.D. Cal. July 6, 2009) (same); <i>In re Dynamic Random Access Memory (DRAM) Antitrust Litig.</i> , 516 F. Supp. 2d 1072, 1094 (N.D. Cal. 2007) (same).
Maryland	State Has Adopted AGC	<i>Waldorf Shopping Mall, Inc. v. Great Atl. & Pac. Tea Co.</i> , No. 82-64, 1984 WL 15690, at *11 (Md. Cir. Ct. Feb. 16, 1984) (applying AGC factors); <i>Oliver v. Am. Express Co.</i> , No. 19-CV-00566, 2021 WL 386749, at *3 (E.D.N.Y. Feb. 1, 2021) (applying AGC to claim under Maryland antitrust law).

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Michigan	State Has Adopted AGC	<p><i>Stark v. Visa U.S.A. Inc.</i>, No. 03-055030, 2004 WL 1879003, at *2-4 (Mich. Cir. Ct. July 23, 2004) (applying AGC factors); <i>Oliver v. Am. Express Co.</i>, No. 19-cv-00566, 2021 WL 386749, at *3 (E.D.N.Y. Feb. 1, 2021) (concluding Michigan would apply AGC factors); <i>In re Interior Molded Doors Antitrust Litig.</i>, Nos. 3:18-cv-00718, 3:18-cv-00850, 2019 WL 4478734, at *16 (E.D. Va. Sept. 18, 2019) (same); <i>In re Dairy Farmers of Am., Inc. Cheese Antitrust Litig.</i>, No. 9-cv-3690, 2015 WL 3988488, at *10 (N.D. Ill. June 29, 2015) (same); <i>In re Refrigerant Compressors Antitrust Litig.</i>, No. 2:09-md-02042, 2013 WL 1431756, at *10 (E.D. Mich. Apr. 9, 2013) (same); <i>In re Ductile Iron Pipe Fittings (“DIPF”) Indirect Purchaser Antitrust Litig.</i>, No. 12-169, 2013 WL 5503308, at *15 (D.N.J. Oct. 2, 2013) (same); <i>Sahagian v. Genera Corp.</i>, No. CV 08-7613, 2009 WL 9504039, at *6 (C.D. Cal. July 6, 2009) (same); <i>In re Dynamic Random Access Memory (DRAM) Antitrust Litig.</i>, 516 F. Supp. 2d 1072, 1094 (N.D. Cal. 2007) (same).</p>
Minnesota	State Would Likely Adopt AGC or Similar Factors	<p><i>Supreme Auto Transp. LLC v. Arcelor Mittal</i>, 238 F. Supp. 3d 1032, 1039 & n.5 (N.D. Ill. 2017) (listing Minnesota as a state that “appl[ies] the AGC test in antitrust standing cases” and applying the AGC test to Minnesota claims), <i>aff’d sub nom. Supreme Auto Transp. LLC v. Arcelor Mittal USA, Inc.</i>, 902 F.3d 735 (7th Cir. 2018); <i>In re Dairy Farmers of Am., Inc. Cheese Antitrust Litig.</i>, No. 9-cv-3690, 2015 WL 3988488, at *11 (N.D. Ill. June 29, 2015) (noting that “some of the AGC factors overlap with Minnesota’s antitrust-standing inquiry” and analyzing those factors in denying standing); <i>Minn. Twins P’ship v. State ex rel. Hatch</i>, 592 N.W.2d 847, 851 (Minn. 1999) (“Minnesota’s antitrust laws are generally interpreted consistently with federal courts’ construction of federal antitrust laws.”).</p>

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Mississippi	State Would Likely Adopt AGC or Similar Factors	<i>In re Interior Molded Doors Antitrust Litig.</i> , Nos. 3:18-cv-00718, 3:18-cv-00850, 2019 WL 4478734, at *14-15 (E.D. Va. Sept. 18, 2019) (concluding Mississippi would apply AGC factors); <i>In re Dealer Mgmt. Sys. Antitrust Litig.</i> , 362 F. Supp. 3d 510, 545 (N.D. Ill. 2019) (same); <i>Owens Corning v. R.J. Reynolds Tobacco Co.</i> , 868 So. 2d 331, 344 (Miss. 2004) (finding indirect purchasers' claims too remote to state a claim under Mississippi antitrust law).
Nebraska	State Has Adopted AGC	<i>Kanne v. Visa U.S.A. Inc.</i> , 723 N.W.2d 293, 299 (Neb. 2006) ("We conclude that appellants lack standing under <i>Associated General Contractors</i> to seek recovery for [appellees'] alleged violation of the Junkin Act."); <i>Tackit v. Visa U.S.A., Inc.</i> , No.CI03-740, 2004 WL 2475281, at *1-2 (D. Neb. Oct. 19, 2004) (applying the AGC factors to a claim arising under Junkin Act); <i>In re Lithium Ion Batteries Antitrust Litig.</i> , No. 13-MD-2420, 2014 WL 4955377, at *11 (N.D. Cal. Oct. 2, 2014) (holding that Nebraska would apply the AGC factors without significant modification).
Nevada	State Has Adopted AGC	<i>Nev. Recycling & Salvage, Ltd. v. Reno Disposal Co.</i> , 423 P.3d 605, 607-08 (Nev. 2018) (applying AGC factors); <i>In re Lithium Ion Batteries Antitrust Litig.</i> , No.13-MD-2420, 2014 WL 4955377, at *11 (N.D. Cal. Oct. 2, 2014) (holding that Nevada would apply the AGC factors without significant modification).
New Hampshire	State Would Likely Adopt AGC or Similar Factors	<i>In re Dealer Mgmt. Sys. Antitrust Litig.</i> , 362 F. Supp. 3d 510, 545 (N.D. Ill. 2019) (concluding New Hampshire would apply AGC factors); <i>In re Refrigerant Compressors Antitrust Litig.</i> , No. 2:09-md-02042, 2013 WL 1431756, at *10 (E.D. Mich. Apr. 9, 2013) (same).

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New Jersey	State Would Likely Adopt AGC or Similar Factors	<i>Sickles v. Cabot Corp.</i> , 877 A.2d 267, 270 (N.J. Super. Ct. App. Div. 2005) (“We follow federal antitrust law in interpreting our own antitrust statute.”); N.J. Stat. Ann. § 56:9-18 (“This act shall be construed in harmony with ruling judicial interpretations of comparable Federal antitrust statutes and to effectuate, insofar as practicable, a uniformity in the laws of those states which enact it.”); <i>Van Natta Mech. Corp. v. Di Stauro</i> , 649 A.2d 399, 407 (N.J. Super. Ct. App. Div. 1994) (holding that “incidental” injury to plaintiff was not “direct enough” to permit standing for a state antitrust action).
New Mexico	State Has Adopted AGC	<i>Nass-Romero v. Visa U.S.A. Inc.</i> , 279 P.3d 772, 778-80 (N.M. Ct. App. 2012) (applying AGC factors); <i>In re Dealer Mgmt. Sys. Antitrust Litig.</i> , 362 F. Supp. 3d 510, 543-44 (N.D. Ill. 2019) (concluding New Mexico would apply AGC factors); <i>N.M. Oncology v. Presbyterian Healthcare Servs.</i> , 169 F. Supp. 3d 1204, 1206, 1209 (D.N.M. 2016) (applying AGC factors to New Mexico state antitrust claim).
New York	State Has Adopted AGC	<i>Oliver v. Am. Express Co.</i> , 19-CV-5666, 2020 WL 2079510, at *14 (E.D.N.Y. Apr. 30 2020) (holding that the AGC factors apply to claim under New York’s Donnelly Act); <i>Gatt Commc’ns, Inc. v. PMC Assocs., L.L.C.</i> , 711 F.3d 68 (2d Cir. 2013) (“We see no reason . . . to interpret the Donnelly Act differently than the Sherman Act with regard to antitrust standing.”); <i>Ho v. Visa U.S.A. Inc.</i> , 3 Misc. 3d 1105(A), 2004 N.Y. Slip Op. 50415(U), at *2 Sup. Ct. N.Y. Cnty. 2004) (applying AGC factors), <i>aff’d</i> , 16 A.D.3d 256 (1st Dep’t 2005); <i>In re LIBOR-Based Fin. Instruments Antitrust Litig.</i> , No. 11 MDL 2262, 2016 WL 7378980, at *24 (S.D.N.Y. Dec. 20, 2016) (“We conclude that the AGC factors apply to plaintiffs’ Donnelly Act claims.”).

State	Basis for Lack of Antitrust Standing	Supporting Authorities
North Carolina	State Has Adopted AGC	<i>Crouch v. Crompton Corp.</i> , Nos. 02 CVS 4375, 03 CVS 2514, 2004 WL 2414027, at *18 (N.C. Super. Ct. Oct. 28, 2004) (applying AGC factors); <i>In re Interior Molded Doors Antitrust Litig.</i> , Nos. 3:18-cv-00718, 3:18-cv-00850, 2019 WL 4478734, at *15 (E.D. Va. Sept. 18, 2019) (concluding North Carolina would apply AGC factors); <i>In re Dairy Farmers of Am., Inc. Cheese Antitrust Litig.</i> , No. 9-cv-3690, 2015 WL 3988488, at *15 (N.D. Ill. June 29, 2015) (same); <i>Sahagian v. Genera Corp.</i> , No. CV 08-7613, 2009 WL 9504039, at *6 (C.D. Cal. July 6, 2009) (same); <i>In re Dynamic Random Access Memory (DRAM) Antitrust Litig.</i> , 516 F. Supp. 2d 1072, 1094 (N.D. Cal. 2007) (same).
North Dakota	State Has Adopted AGC	<i>Beckler v. Visa U.S.A., Inc.</i> , No. Civ. 09-04-C-00030, 2004 WL 2475100, at *4 (D.N.D. Sept. 21, 2004) (applying AGC to North Dakota claim); <i>Sahagian v. Genera Corp.</i> , No. CV 08-7613, 2009 WL 9504039, at *6 (C.D. Cal. July 6, 2009) (concluding North Dakota would apply AGC factors); <i>In re Dynamic Random Access Memory (DRAM) Antitrust Litig.</i> , 516 F. Supp. 2d 1072, 1094 (N.D. Cal. 2007) (same).
Oregon	State Would Likely Adopt AGC or Similar Factors	<i>In re Dealer Mgmt. Sys. Antitrust Litig.</i> , 362 F. Supp 3d 510, 545 (N.D. Ill. 2019) (concluding Oregon would apply AGC factors); <i>In re Interior Molded Doors Antitrust Litig.</i> , Nos. 3:18-cv-00718, 3:18-cv-00850, 2019 WL 4478734, at *16 (E.D. Va. Sept. 18, 2019) (same); <i>Or. Laborers-Emps. Health & Welfare Tr. Fund v. Philip Morris Inc.</i> , 185 F. 3d 957, 963 & n.4 (9th Cir. 1999) (applying AGC factors to Oregon state antitrust claim).
Rhode Island	State Would Likely Adopt AGC or Similar Factors	<i>Oliver v. Am. Express Co.</i> , No. 19-CV-00566, 2021 WL 386749, at *4 (E.D.N.Y. Feb. 1, 2021) (concluding Rhode Island would apply AGC factors); <i>In re Dealer Mgmt. Sys. Antitrust Litig.</i> , 362 F. Supp. 3d 510, 545 (N.D. Ill. 2019) (same); <i>Ocean View Cap. Inc. v. Sumitomo Corp. of Am.</i> , No. 98 CIV. 4067, 1999 WL 1201701, at *3-8 (S.D.N.Y. Dec. 15, 1999) (applying AGC factors to Rhode Island claim).

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South Dakota	State Would Likely Adopt AGC or Similar Factors	<i>Oliver v. Am. Express Co.</i> , No. 19-CV-00566, 2021 WL 386749, at *4 (E.D.N.Y. Feb. 1, 2021) (concluding South Dakota would apply AGC factors); <i>In re Dealer Mgmt. Sys. Antitrust Litig.</i> , 362 F. Supp. 3d 510, 544 (N.D. Ill. 2019) (same); <i>Sahagian v. Genera Corp.</i> , No. CV 08-7613, 2009 WL 9504039, at *6 (C.D. Cal. July 6, 2009) (same); <i>In re Dynamic Random Access Memory (DRAM) Antitrust Litig.</i> , 516 F. Supp. 2d 1072, 1094 (N.D. Cal. 2007) (same).
Tennessee	State Would Likely Adopt AGC or Similar Factors	<i>In re Dealer Mgmt. Sys. Antitrust Litig.</i> , 362 F. Supp. 3d 510, 545 (N.D. Ill. 2019) (concluding Tennessee would apply AGC factors); <i>In re Interior Molded Doors Antitrust Litig.</i> , Nos. 3:18-cv-00718, 3:18-cv-00850, 2019 WL 4478734, at *16 (E.D. Va. Sept. 18, 2019) (same); <i>Supreme Auto Transp. LLC v. Arcelor Mittal</i> , 238 F. Supp. 3d 1032, 1039 (N.D. Ill. 2017) (same), <i>aff'd sub nom. Supreme Auto Transp. LLC v. Arcelor Mittal USA, Inc.</i> , 902 F.3d 735 (7th Cir. 2018).
Utah	State Would Likely Adopt AGC or Similar Factors	<i>In re Dealer Mgmt. Sys. Antitrust Litig.</i> , 362 F. Supp. 3d 510, 545 (N.D. Ill. 2019) (concluding Utah would apply AGC factors); <i>Supreme Auto Transp. LLC v. Arcelor Mittal</i> , 238 F. Supp. 3d 1032, 1039 (N.D. Ill. 2017) (applying AGC factors to Utah claim), <i>aff'd sub nom. Supreme Auto Transp. LLC v. Arcelor Mittal USA, Inc.</i> , 902 F.3d 735 (7th Cir. 2018).
Vermont	State Would Likely Adopt AGC or Similar Factors	<i>In re Dealer Mgmt. Sys. Antitrust Litig.</i> , 362 F. Supp. 3d 510, 544 (N.D. Ill. 2019) (concluding Vermont would apply AGC factors); <i>Supreme Auto Transp. LLC v. Arcelor Mittal</i> , 238 F. Supp. 3d 1032, 1039 n.5 (N.D. Ill. 2017) (same), <i>aff'd sub nom. Supreme Auto Transp. LLC v. Arcelor Mittal USA, Inc.</i> , 902 F.3d 735 (7th Cir. 2018).
West Virginia	State Has Adopted AGC	<i>Aikens v. Debow</i> , 541 S.E.2d 576, 582 (W. Va. 2000) (applying AGC in tort context); <i>In re Dealer Mgmt. Sys. Antitrust Litig.</i> , 362 F. Supp. 3d 510, 545 (N.D. Ill. 2019) (concluding West Virginia would apply AGC factors).

State	Basis for Lack of Antitrust Standing	Supporting Authorities
Wisconsin	State Has Adopted AGC	<p><i>Strang v. Visa U.S.A., Inc.</i>, No. 03 CV 011323, 2005 WL 1403769, at *3 (Wis. Cir. Ct. Feb. 8, 2005) (applying AGC factors); <i>Oliver v. Am. Express Co.</i>, No. 19-CV-00566, 2021 WL 386749, at *5 (E.D.N.Y. Feb. 1, 2021) (concluding Wisconsin would apply AGC factors); <i>In re Dealer Mgmt. Sys. Antitrust Litig.</i>, 362 F. Supp. 3d 510, 545 (N.D. Ill. 2019) (same); <i>Sahagian v. Genera Corp.</i>, No. CV 08-7613, 2009 WL 9504039, at *6 (C.D. Cal. July 6, 2009) (same); <i>In re G-Fees Antitrust Litig.</i>, 584 F. Supp. 2d 26, 41-42 (D.D.C. 2008) (same); <i>In re Refrigerant Compressors Antitrust Litig.</i>, No. 2:09-md-02042, 2013 WL 1431756, at *10 (E.D. Mich. Apr. 9, 2013) (same); <i>In re Dynamic Random Access Memory (DRAM) Antitrust Litig.</i>, 516 F. Supp. 2d 1072, 1094 (N.D. Cal. 2007) (same).</p>